



November 22, 1999

Mr. Steven Monté
Assistant City Attorney
Office of City Attorney
Municipal Building
Dallas, Texas 75201

OR99-3355

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131002.

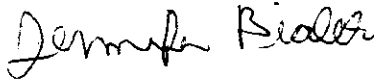
The Dallas Police Department (the "Department") received a request for information regarding incident or offense reports for a particular address and particular areas. You claim that a portion of the documents contains information about a sexual assault victim and is protected by common-law privacy under section 552.101 of the Government Code. We assume that you have released the remaining requested information. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information protected by the common-law right of privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The doctrine of common-law privacy protects information that contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and the information must be of no legitimate concern to the public. *Id.* Any information tending to identify sexual assault victims should be withheld pursuant to common-law privacy. *See* Open Records Decision No. 393 (1983). We have marked the types of identifying information that you must withhold under section 552.101 to protect the privacy of the sexual assault victim.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Bialek".

Jennifer Bialek
Assistant Attorney General
Open Records Division

JB/nc

Ref: ID# 131002

Encl. Submitted documents

cc: Ms. Christine Bishop Karcher
Downs & Stanford, P.C.
501 Elm Place, Suite 200
Dallas, Texas 75202
(w/o enclosures)